

## TRANSMITTAL LETTER TO THE UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)

CONCERNING A FILING UNDER 35 U.S.C. 371

B.

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/180209

INTERNATIONAL APPLICATION NO.  
PCT/US96/10664INTERNATIONAL FILING DATE  
21 June 1996PRIORITY DATE CLAIMED  
22 June 1995

## TITLE OF INVENTION

Crystals of Fragments of CD40 Ligands and Their Use

300 Rec'd PCT/PTO 04 NOV 1998

APPLICANT(S) FOR DO/EO/US  
BIOGEN, INC.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ A copy of the International Search Report (PCT/ISA/210).
8. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

RECEIVED

23 APR 1999

Legal Staff  
International Division

## Items 13 to 18 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.  
A **SECOND** or **SUBSEQUENT** preliminary amendment.
16. ☐ A substitute specification.
17. ☐ A change of power of attorney and/or address letter.
18. ☒ Certificate of Mailing by Express Mail
19. ☒ Other items or information:

Petition for Revival on an International Application For Patent Designating the United States Abandoned  
Unintentionally under 37 CFR 1.137(b)

U.S. APPLICATION NO. (IF KNOWN, SEE <b>02-2327</b> )	INTERNATIONAL APPLICATION NO. <b>PCT/US96/10664</b>	ATTORNEY'S DOCKET NUMBER <b>B189</b>
--	--	---

20. The following fees are submitted: <b>BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5) ) :</b>				<b>CALCULATIONS PTO USE ONLY</b>	
<input checked="" type="checkbox"/> Search Report has been prepared by the EPO or JPO .....			<b>\$930.00</b>		
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) .....			<b>\$720.00</b>		
<input type="checkbox"/> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) .....			<b>\$790.00</b>		
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....			<b>\$1,070.00</b>		
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) .....			<b>\$98.00</b>		
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>\$930.00</b>	
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				<b>\$0.00</b>	
<b>CLAIMS</b>	<b>NUMBER FILED</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>		
Total claims	38 - 20 =	18	x \$22.00	<b>\$396.00</b>	
Independent claims	9 - 3 =	6	x \$82.00	<b>\$492.00</b>	
Multiple Dependent Claims (check if applicable). <input type="checkbox"/>				<b>\$0.00</b>	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1,818.00</b>	
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). <input type="checkbox"/>				<b>\$0.00</b>	
<b>SUBTOTAL =</b>				<b>\$1,818.00</b>	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				<b>\$0.00</b>	
<b>TOTAL NATIONAL FEE =</b>				<b>\$1,818.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>				<b>\$0.00</b>	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$1,818.00</b>	
				<b>Amount to be: refunded</b>	<b>\$</b>
				<b>charged</b>	<b>\$</b>

- ☐ A check in the amount of \_\_\_\_\_ to cover the above fees is enclosed.
- ☒ Please charge my Deposit Account No. **02-2327** in the amount of **\$1,818.00** to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **02-2327** A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Kerry A. Flynn, Esq.  
BIOGEN, INC.  
14 Cambridge Center  
Cambridge, MA 02142  
(617) 679 3583

Kerry A. Flynn  
SIGNATURE

Kerry A. Flynn, Esq.  
NAME

33,693  
REGISTRATION NUMBER

November 4, 1998  
DATE

PTO/PCT Rec'd 04 NOV 1998

09/180209

PTO/SB/84/PCT (12-97)

Approved for use through 9/30/00. OMB 0851-0031  
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT  
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

B189 PCT

First named inventor: Karpusas

Application No.: PCT/US96/10664

Group Art Unit: Not yet known

Filed: 21 June 1996

Examiner: Not yet known

Title: Crystals of Fragments of CD40 Ligand and Their Use

Attention: International Division, Legal Staff  
Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231**RECEIVED**

02 DEC 1998

Legal Staff  
International Division

The above-identified application became abandoned as to the United States because the elements noted at 35 U.S.C. 371(c) were not filed prior to the expiration of the applicable time limit noted at 37 CFR 1.494(b) or (c) or 37 CFR 1.495(b) or (c). The date of abandonment is 2 \* 2 (i.e., the day after the date on which the 35 U.S.C. 371(c) requirements were due; see 37 CFR 1.494(h) or 1.495(l)). \* December 23, 1997

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper response

03/02/1999 HUNCAN1 00000096 022327 09180209  
01 FC:154 130.00 CH

- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

- ☐ Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))  
☐ Small entity statement enclosed herewith.  
☐ Small entity statement previously filed.  
☒ Other than small entity - fee \$ 1320 (37 CFR 1.17(m))

## 2. Proper response

A. The proper response (the missing 35 U.S.C. 371(c) requirements) in the form of a Transmittal Letter to US/DEO con Filing Under 35 (identify type of response):

- ☐ has been filed previously on \_\_\_\_\_ U.S.C. 371  
☒ is enclosed herewith.

(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

12/01/1998 PVOLPE 00000048 022327 09180209

01 FC:141 1320.00 CH

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.

## 4. Statement. The entire delay in filing the 35 U.S.C. 371(c) requirements from their due date until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Where a petition under 37 CFR 1.137(b) is not filed within three months from the mail date of any notice of abandonment or one year from the date of abandonment, explain (on an attached sheet) in detail the cause of the delay in filing this petition.

November 4, 1998  
Date

Kerry A. Flynn  
Signature

Telephone

Number: (617) 679 3583

Kerry A. Flynn, Esq.  
Typed or printed name

BIOGEN, Inc. 14 Cambridge Center  
Address

Cambridge, Massachusetts 02142

Enclosures: ☒ Response☒ Fee Payment Authorization to charge deposit account

02-2327

☐ Terminal Disclaimer Form☐ Small Entity Status Form☐ \_\_\_\_\_

Docket No. B189 PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
THE PATENT COOPERATION TREATY**

In re application of: Karpusas, et al.  
International Serial No.: PCT/US96/10664  
International Filing Date: 21 June 1996 Earliest priority date 22 June 1995  
TITLE: Crystals of Fragments of CD40 Ligands And Their Use

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Patent and Trademark Office as Express Mail Label No. EL118182859US in an Express Mail envelope addressed to: Box PCT, Assistant Commissioner for Patents, Washington, DC 20231 on the date shown.

4 November 1998  
Date

Patricia Hofstetter  
Patricia Hofstetter

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**Transmittal Letter**

Enclosed please find a Petition for Revival of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b), Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371, and a copy of the published PCT application under Express Mail Label number EL118182859US.

The Commissioner is hereby authorized to charge our deposit account No. 02-2327 to cover the above fees including fees for Petition fee, and National filing fee including excess claims. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-2327.

Sincerely,

Kerry Flynn

Kerry Flynn, Esq. (Reg. No. 33,693)  
Attorney for Applicant  
Biogen, Inc.  
14 Cambridge Center  
Cambridge, MA 02142  
(617) 679-3583